

## **R E M A R K S**

Careful consideration has been given to the Official Action of April 24, 2006, and reconsideration of the application as amended is respectfully requested.

### **Claim Rejections**

Claims 1, 3-6, 11-17, 20-22 and 24-26 stand rejected under 35 U.S.C. 102(e) as being anticipate by Manservigi et al., U.S. Patent No. 5,822,948.

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Manservigi et al.

Claims 7-10 and 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Manservigi et al. in view of Draghetti et al., U.S. Patent No. 6,516,589.

### **Amendment of the Claims**

Claim 1 has been amended to recite with greater specificity that when the article 5 is in the pocket 35 a pushing force is applied against the article 5 to displace the article in the pocket against a locating member 34 of the pocket as the article is advanced along the path and while the article is released from the gripping means 28, 29, the release of the article 5 from the gripping means enabling the article to be moved into contact with the locating member.

### **Argument Re Claims 1 and 3-26**

Claim 1 recites a method of conveying articles comprising the steps of  
A. feeding an article to a pocket of a conveyor travelling along a given path;

- B. retaining said article by gripping means associated with said pocket;
- C. feeding the article along said path in a given direction by means of said pocket while the gripping means retain the article;
- D. releasing said article from said gripping means while the pocket advances along the path;
- E. applying a pushing force on the article to displace in the pocket against a locating member of said pocket as said article is advanced along the path while said article is released from said gripping means to enable the article to be moved into contact with the locating member;
- F. thereafter retaining the article again by said gripping means once the article rests against said locating member.

Manservigi et al. discloses housing a packet 6 inside seat 4 and retaining a sheet 36 in front of the opening of seat 5 (Figure 1). Pockets 2 and 3 are moved in relation to each other and in direction 7 into a mating position (Figure 2); subsequently (Figure 3), the pockets 2 and 3 are separated in direction 7 back into the separated position shown in Figure 1 and packet 6 is released from seat 4 of pocket 2 and retained inside seat 5 of pocket 3. During this movement the suction through holes 58 of seat 4 is cut off to allow packet 6 leaving seat 4.

After a folding operation (Figure 4), pockets 2 and 3 are moved back into the mating position (Figures 5 and 6) so as to complete the folding and are then moved back into separated parted position; prior to the latter movement, packet 6 and wrapping 35 are released by pocket 3 and retained inside pocket 2, so that, at the end of the manipulating operation packet 6 is restored to its original position, at the start of the manipulating operation, inside seat 4 (Figure 7).

As it is clearly shown in Figures 1, 2, 6 and 7, pocket 2 comprises two wings 13 and 14 extending parallel to direction 7 from wall 10 towards pocket 3, and having respective facing surfaces 15 and 16 defining the lateral surfaces of seat 4 for laterally supporting respective small lateral surfaces 17 of packet 6. Wing 13 or wing 14 cannot be considered a locating member against which the packet 6 is pushed, because there is not any possible clearance between the packet 6 and each wing 13 or 14 to allow a pushing movement of the packet 6 against each wing 13 or 14 (see for reference Figures 4 of the application in which a clearance between the locating member 34 and the sheet 5 is clearly indicated).

Furthermore, Manservigi et al. discloses clearly that the movement between the pockets 2 and 3 are only along direction 7, which is parallel to wings 13 and 14; thus, pocket 3 cannot push the packet against wing 13 or against wing 14.

As a consequence, Manservigi et al. discloses transferring packet 6 from seat 4 to seat 5 and vice versa in a standard way; Manservigi et al. does not disclose pushing the article to displace it against a locating member of the pocket as the article is advanced along the path while the article is released from the gripping means in order to move the article into contact with a locating member and thereafter retain the article again by the gripping means once the article rests against the locating member.

Claim 1 recites, in part, to release the article from the gripping means (feature D), and apply a pushing force against the article to move it against a locating member of the pocket as the article is released from the gripping means (feature E), and then to retain again the article by means of the gripping means (feature F).

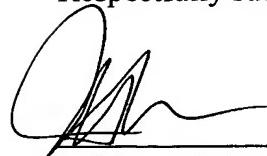
Manservigi et al. does not anticipate claim 1, because Manservigi et al. does not disclose pushing the article against a locating member of the pocket as the article is released from the gripping means (feature E), and thereafter retaining the article by means of the gripping means (feature F).

There cannot be a valid *prima facie* case of obviousness under 35 U.S.C. 103 based on Manservigi et al., as this reference neither discloses or suggests pushing the article in the pocket to move it against a locating member of the pocket as the article is released from the gripping means (feature E), and thereafter again retaining the article by means of the gripping means (feature F). In order to reach the invention as claimed in claim 1, one would have to completely disregard the teachings in given by Manservigi et al. of retaining the article in the pocket between the wings. There would be no suggestion to discard these teachings without using applicants own disclosure as a template, and no such suggestion can be found in the reference. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" MPEP § 2143.03. The other cited references add nothing of relevance to Claim 1.

Accordingly, Claim 1 is deemed allowable. Claims 3-26 depending from Claim 1 are also considered allowable.

In view of the above action and comments, it is respectfully submitted that Claims 1 and 3-26 are in allowable condition and favorable reconsideration and allowance of the Claims is earnestly solicited.

Respectfully submitted,



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